

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



Wilmot McCutchen,

Complainant,

vs.

Pacific Gas and Electric Company and City of Orinda,

Defendants.

Case No. 05-10-003

Certified Mail

7004 0550 0000 1504 2076

**INSTRUCTIONS TO ANSWER AND HEARING NOTICE**

City of Orinda  
Attn: City Manager  
14 Altarinda Road  
Orinda, CA 94563

You are hereby notified that the above-entitled complaint has been filed against you as defendant. You are directed to answer the complaint in writing within 30 days after today unless time is modified pursuant to Rule 13 of the Commission's "Rules of Practice and Procedure." The answer shall be in compliance with Rule 6(b)(2) and Rule 13.1 of these rules. Your answer shall be sent to California Public Utilities Commission, Attn.: Docket Office, 505 Van Ness Avenue, San Francisco, CA 94102.

This matter has been assigned to Commissioner Dian Grueneich and Administrative Law Judge Hallie Yacknin. It has been determined that the complaint will be categorized as Adjudicatory. A hearing will be scheduled by the assigned Administrative Law Judge, unless the matter is otherwise resolved by the parties.

Dated at San Francisco, California this 18th day of October, 2005.

/s/ ANGELA K. MINKIN

By Martin Nakahara

Angela K. Minkin  
Chief Administrative Law Judge

AM/mak

Enclosures: Complaint and Rules 13 and 13.1

cc: Complainant

cc via email only, w/o copy of encls.: Cmmr. Grueneich and ALJ Yacknin

### **13. (Rule 13) Time for Answers.**

Within thirty days after the date of service of the complaint, the defendant shall answer the complaint. The Commission, the Chief Administrative Law Judge, or the presiding officer may require the filing of an answer within a shorter time.

Requests for an extension of time to answer shall be directed to the Chief Administrative Law Judge, or the presiding officer, in writing, and a copy shall be served on all parties. The request shall indicate complainant's acquiescence to the extension of time or the measures taken by defendant in his unsuccessful effort to obtain acquiescence. The Chief Administrative Law Judge, or the presiding officer, shall notify the parties of his ruling.

If an amendment to a complaint is filed before receipt of the answer, the defendant's time to answer the complaint shall be thirty days from the date of service of the amendment, unless otherwise directed. Amendments to a complaint made subsequent to the filing of an answer need not be answered.

#### **13.1. (Rule 13.1) Contents of Answers.**

The answer must admit or deny each material allegation in the complaint and shall set forth any new matter constituting a defense. Its purpose is to fully advise the complainant and the Commission of the nature of the defense. It should also set forth any defects in the complaint which require amendment or clarification. Failure to indicate jurisdictional defects does not waive these defects and shall not prevent a motion to dismiss made thereafter.